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**C. REMARKS****1. Status of the Claims**

Claims 1-5, 7-17, and 19-26 are currently pending in the application. Claims 1, 9, 13, and 21-26 are independent claims. Claims 1, 9, and 13 have been amended and claims 6 and 18 have been cancelled. No claims have been added in this Response.

**2. Claim Rejections - Alleged Obviousness Under 35 U.S.C. § 103**

Claims 1-5, 8-17, and 20-26 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 5,801,703 to Bowden et al. (hereinafter "Bowden"). Independent claims 1, 9, and 13 have been amended to incorporate limitations that were originally found in dependent claims that were rejected as being obvious under 35 U.S.C. § 103 over Bowden in view of U.S. Patent No. 5,276,795 to Hoeber et al. (hereinafter "Hoeber"). Therefore, remarks concerning claims 1, 9, and 13 and claims dependent therefrom are set forth in this section of the Response and claims 21-26 remain rejected under 35 U.S.C. § 102 as being anticipated by Bowden. In this section of the Response, Applicant respectfully traverses the rejections of 1-5, 8-17, and 20 and traverses the rejections of claims 21-26 in the subsequent section.

As amended, each of Applicant's independent claims 1, 9, and 13 include the limitations of

- including a plurality of graphical components with the menu item graphical control, each of the graphical components corresponding to a different programmed function, wherein the menu item graphical control includes a default area in addition to the plurality of graphical components;

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- displaying the menu item graphical control with the included graphical components and the default area, wherein each of the graphical components are displayed in a position horizontal to the default area;
- receiving a selection from a user corresponding to the menu item graphical control;
- invoking a default function in response to the selection corresponding to the default area of the menu item graphical control; and
- in response to the selection corresponding to one of the graphical components, invoking the programmed function corresponding the selected graphical component.

The amendment of claims 1, 9, and 13 incorporates the limitation originally found in dependent claims 6 and 18. Applicant has further amended the independent claims to more distinctly claim Applicant's invention by requiring the default area and the graphical components to be displayed horizontally to one another (support for such amendment is found in Applicant's Figure 1, items 120 and 140 which clearly show the default area and the graphical components being displayed horizontally to one another). Applicant respectfully asserts that neither Bowden nor Hoeber, taken alone or in combination with one another, teach or suggest each of Applicant's limitations as set forth in Applicant's amended independent claims 1, 9, and 13.

The Office Action admits that Bowden does not teach or suggest receiving a default selection corresponding to a default area of the menu item graphical control. The Office Action also admits that Bowden does not teach or suggest invoking a default

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function in response to the default area being selected by a user. The Office Action contends that Hoeber teaches receiving a default selection corresponding to a default area of the menu item graphical control and invoking a default function in response to the default area being selected by a user, citing col. 10, lines 24-37 of Hoeber. This section of Hoeber is reproduced below, along with lines 37-50 which describe an example using Hoeber's alleged invention. A close reading of this section shows that Hoeber clearly does not teach or suggest receiving a default selection corresponding to a default area of a menu and invoking a default function in response.

However, the present invention also permits the user to select a function, for example, "cut", as the default setting for a menu button (in the present example "edit"). In order to execute the "cut" default command in the present example, the user simply places the pointer 36 over a portion of the "edit" menu button, and depresses a predetermined switch (for example, switch 30) on pointer control device 28. CPU 14, sensing the activation of switch 30, displays the title of the default function (in the present example "cut") within the highlighted button, such that the default operation replaces the title of the button. The default operation ("cut") is selected by deactivating switch 30 on pointer control device 28. The default function is then executed by CPU 14 and thereby avoids the need for a user to execute additional steps to choose the command from the menu.

This is illustrated in FIGS. 7a-7c for the item "Magnify" which is the default item for the "View" menu button. The pointer is positioned over the "View" menu button and the predetermined switch is depressed resulting in the display of the "Magnify" default item as the title of the menu button. Upon release of the switch the default function is executed. The default operation is typically initialized to a pre-determined function but can be changed by the user to any of the button functions displayed on a menu corresponding to a menu button.

In essence, what Hoeber is teaching is a way of having a menu button, that normally displays a menu of several items, perform a single predetermined function when selected. The

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section cited in the Office Action refers to Figures 7a - 7c which show an example of Hoeber's teaching:



**Figure 7a**



**Figure 7b**



**Figure 7c**

In Hoeber's example, the default menu item "Magnify" is displayed in place of menu title "View" when the user moves the cursor over the item and presses a predetermined switch. If the user wishes to use the default menu item, Hoeber teaches that the user releases the switch. Conversely, Applicant claims a menu item graphical control that includes both a default area and a plurality of graphical components, whereas Hoeber's menu only includes one item (i.e., "View") that can be changed to display a default action (i.e., "Magnify") when the user performs a particular action. Also, unlike both Bowden and Hoeber, Applicant claims displaying the graphical components in an orientation horizontal to the default area. Hoeber does not teach or suggest displaying multiple components simultaneously. Bowden does show a "palate" of "shapes" in Bowden's Figure 4,

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item 308, however, the palate does not contain a "default area" as taught and claimed by Applicant, and Bowden's palate is displayed in a grid format, rather than the horizontal orientation taught and claimed by Applicant.

Applicant also includes limitations allowing the user to either select a "default area" of the menu item graphical control or one of the graphical components that is included with the menu item graphical control. As admitted by the Office Action, Bowden does not teach or suggest a default area. Hoeber does allow a "default action" to be performed, but does not teach or suggest displaying a "default area" of the menu item graphical control along with graphical components. In Hoeber, the user can either select the default action using a predetermined switch or can display a full menu of all available actions from which a choice is made (i.e., the user must first request display of the menu items and next must chose one of the displayed items). Applicant, however, teaches and claims a way for the default item and other (i.e., non-default items) to be displayed simultaneously in a horizontal orientation so that the user can select either the default action or one of the actions corresponding to the displayed graphical components with a single selection without having to display a menu of available actions, as taught by Hoeber.

Because neither Bowden nor Hoeber, taken alone or in combination with one another, teach or suggest displaying in a horizontal orientation both a default area and a plurality of graphical components from which the user can select, Applicant asserts that Applicant's claimed invention is not obvious over Bowden in view of Hoeber. Applicant, therefore, has traversed the rejections of independent claims 1, 9, and 13 set forth in

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the Office Action and such claims, as amended, are allowable, over Bowden in view of Hoeber. Claims 2-5 and 7-8 are dependent claims that depend on claim 1 and, therefore, are allowable for at least the same reasons that claim 1 is allowable. Claims 10-12 are dependent claims that depend on claim 9 and, therefore, are allowable for at least the same reasons that claim 9 is allowable. Claims 14-17 and 19-20 are dependent claims that depend on claim 13 and, therefore, are allowable for at least the same reasons that claim 13 is allowable.

**3. Claim Rejections - Alleged Anticipated Under 35 U.S.C. § 102**

Claims 1-5, 8-17, and 20-26 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 5,801,703 to Bowden et al. (hereinafter "Bowden"). Independent claims 1, 9, and 13 have been amended to incorporate limitations that were originally found in dependent claims that were rejected as being obvious under 35 U.S.C. § 103 over Bowden in view of U.S. Patent No. 5,276,795 to Hoeber et al. (hereinafter "Hoeber"). Therefore, remarks concerning claims 1, 9, and 13 and claims dependent therefrom are set forth in the subsequent section of this Response. Consequently, claims 21-26 stand rejected under 35 U.S.C. § 102 as being anticipated by Bowden and Applicant respectfully traverses these rejections as set forth below.

Claims 21, 23 and 25 are each independent claims that each include the limitations of

- configuring one or more secondary functions to include in a sub-menu;
- modifying the menu item graphical control to include a sub-menu graphical component corresponding to the sub-

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- menu, wherein the menu item graphical control further includes one or more graphical components corresponding to one or more programmed functions; and
- displaying the sub-menu in response to a user selecting the sub-menu graphical component.

The Office Action contends that Bowden teaches each of Applicant's claimed limitations. The Office Action contends that Bowden teaches Applicant's "configuring" step. However, upon closer inspection, it is clear that Bowden does not teach "configuring ... secondary functions ... to include in a sub-menu" as taught and claimed by Applicant. The section of Bowden relied upon by the Office Action for such teaching (col. 3, lines 44-54) simply teaches that the user is able to select the icons of preconfigured tasks that will appear in the menu. The section of Bowden is as follows:

As the user is able to expand as many of the menu panels as desired, the user is able to customize the master menu. For example, those tools which may be particularly applicable for a certain task may be selected to appear in one or more expanded panels, speeding up selection of those tools. Thus, menu navigation time is eliminated, speeding up use of the application, and thereby improving efficiency and speed of use. The user is also able to recustomize the master menu's expanded and contracted menu panels to match particular tasks, again improving use of the application employing the master menu.

Applicant's next limitation is that a menu item graphical control is modified to include a sub-menu graphical component wherein the menu item graphical component also displays one or more graphical components that correspond to programmed functions. The Office Action contends that Bowden teaches such modification of a menu item graphical control by relying on the same section (reproduced above) that was used in the rejection of Applicant's "configuring" step. However, as pointed out

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above, Bowden is merely teaching the selection of icons to display in a menu and is not teaching or suggesting adding a sub-menu graphical component. Bowden does teach allowing the user to select icons corresponding to preconfigured tasks that will appear in an expanded panel. However, Bowden does not teach or suggest modifying a menu item graphical control to include a sub-menu graphical component that was configured by the user, as taught and claimed by Applicant.

Finally, the Office Action contends that Bowden teaches Applicant's limitation of "displaying the sub-menu in response to a user selecting the sub-menu graphical component." However, as described above, Bowden is teaching displaying "expanded panels" that include icons corresponding to preconfigured tasks, and is not teaching displaying a sub-menu that includes a secondary function that has been configured by the user. Consequently, Applicant has overcome the rejection of claims 21, 23, and 25 and has shown that Bowden does not anticipate Applicant's claims.

Claims 22, 24 and 26 are each independent claims that each include the limitations of

- configuring a plurality of programmed functions using a configuration tool;
- identifying a plurality of graphical components for each of the programmed functions;
- modifying the menu item graphical control to include the graphical components corresponding to the configured programmed functions;
- displaying the menu item graphical control with the included graphical components;



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- receiving a selection from a user corresponding to one of the graphical components; and
- invoking the programmed function corresponding the selected graphical component.

Applicant respectfully disagrees with the Office Action's contention that Bowden teaches each and every one of Applicant's claimed limitations.

The first four limitations ("configuring," "identifying," "modifying," and "displaying") are analogous to the limitations found in claims 21, 23, and 25. The traversal of the rejections of these claims is found in preceding paragraphs and such remarks are incorporated in Applicant's traversal of claims 22, 24, and 26. To these limitations, claims 22, 24, and 26 adds a "receiving" limitation and an "invoking" limitations. Because Bowden fails to teach or suggest the "configuring," "identifying," "modifying," and "displaying" included in claims 22, 24, and 26, Applicant respectfully asserts that Bowden does not anticipate these claims and the rejection of these claims under 35 U.S.C. § 102 has been overcome.

#### Conclusion

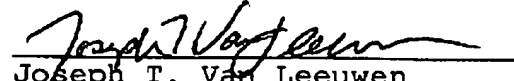
As a result of the foregoing, it is asserted by Applicant that the remaining claims in the Application are in condition for allowance, and Applicant respectfully requests an early allowance of such claims.

Applicant respectfully request that the Examiner contact the Applicant's attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

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Respectfully submitted,

By



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